

U.S. Department of Justice



United States Attorney
Southern District of New York

MEMO ENDORSE

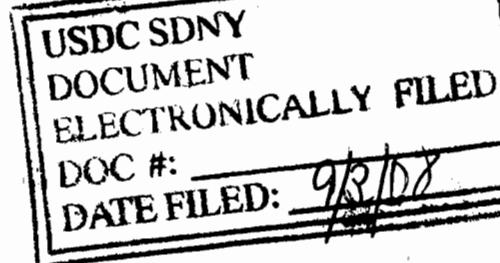
86 Chambers Street
New York, New York 10007

August 28, 2008

By Hand

Hon. Theodore H. Katz
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 1660
New York, New York 10007

Re: Gricelda Nunez v. Astrue
08 Civ. 0099 (DAB) (THK)



Dear Judge Katz:

This Office represents the Commissioner of Social Security, the defendant in this action. We write respectfully, with the consent of plaintiff's counsel, to request an adjournment of the briefing schedule.

Under this Court's current scheduling order, defendant's brief in support of a motion for summary judgment is due by August 29, 2008, plaintiff's brief in opposition and in support of a cross-motion is due by September 29, 2008, defendant's reply, if any, is due by October 13, 2008, and plaintiff's reply, if any, is due by October 27, 2008. This Office has written to the agency asking that it further examine specific issues in this case. Due to staffing shortages, however, the agency has not yet completed its review of this matter, which may lead to change in the agency's litigation position in this action. In view of the foregoing, we respectfully request that the Court approve the following schedule:

Defendant's brief in support of his motion is due by September 29, 2008.

Plaintiff's brief in opposition and in support of a cross-motion is due by October 29, 2008.

Defendant's reply, if any, is due by November 13, 2008.

Plaintiff's reply, if any, is due by November 28, 2008.

This schedule is approved

9/3/08

*Approved:
Theodore H. Katz
USM*

9/3/08
COPIES MAILED
TO COUNSEL OF RECORD ON

Three previous adjournments have been granted in this case. We thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:


JOHN E. GURA, JR.
Assistant United States Attorney
Telephone: (212) 637-2712
Fax: (212) 637-2750

cc: Herbert Forsmith, Esq.
(By Fax)